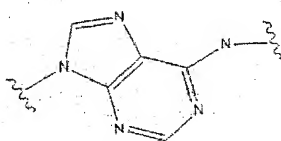


REMARKS

The Office Action mailed July 24, 2008, in the nature of a requirement for restriction, has been carefully reviewed. Favorable consideration is respectfully requested.

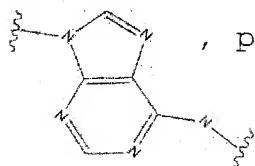
Restriction has been required among what the Examiner considers to be patentably distinct species of the invention, as follows:

Group I, drawn to a compound and composition of formula 1 wherein Q is



, presently comprising claims 1-11;

Group II, drawn to a compound and composition of formula 1 wherein Q is not



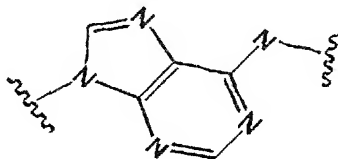
, presently comprising claims 1-11;

Group III, drawn to a method for using the compound of Group I, presently comprising claims 12 and 13; and

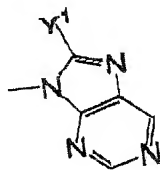
Group IV, drawn to a method for using the compound of Group II, presently comprising claims 12 and 13.

Applicant hereby elects Group I with traverse, wherein Q is represented by formula (A)

Applicant hereby elects Group I, claims 1-11, with traverse. This election is made with traverse because the claims have been amended to recite that Q is formula (A)



Formula (A) is similar to the group represented by formula (A), which appears in current claims 3-5 as the definition of Q:



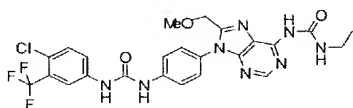
It is respectfully requested that compounds wherein Q is represented by formula (A) should be considered to be a single invention, which also covers, for example, the compounds actually disclosed in Examples 5, 34, 47, 50, 52, 66, and 202-204 of the specification as filed.

The Examiner has cited Cirillo et al., WO 03/032989, particularly referring to the compounds disclosed on page 36. The Examiner's position is that the only difference between the structural core taught by Cirillo and the instant compound is the substitution of maphthyl in Cirillo for phenyl in the instant compound, which would not be a contribution over the prior art to a person of ordinary skill in the art. It is respectfully submitted that the herein claimed compounds are not

obvious over Cirillo. Cirillo merely discloses the naphthyl moiety as an essential moiety, but there is no teaching or suggestion in Cirillo regarding substituting a naphthyl for a phenyl group. In light of this, it is respectfully submitted that one skilled in the art could not predict whether the naphthyl can be substituted by a phenyl, based solely on the Cirillo disclosure, and therefore it is respectfully submitted that the Examiner's statement appears to be based on hindsight.

It is respectfully requested that the restriction requirement be withdrawn. It should be noted that the claims have now been amended wherein the scope of Q has been restricted to the group represented by formula (B), as defined above. In formula (B),

With respect to election of a species, as required in the restriction requirement, applicant hereby elects, with traverse, the compound disclosed in Example 152 of the specification as follows:



1-(9-{4-[3-(4-Chloro-3-(tri-
fluoromethyl)phenyl)ureido]-
phenyl}-8-methoxymethyl-9H-
purin-6-yl)-3-ethylurea

Currently, claims 1-11 read on the elected species.

It is respectfully submitted that the inventions listed in Groups I-IV all have the same technical feature under PCT Rule 13.1 because the special technical feature of the claimed compounds is not obvious over Cirillo. As the Examiner is aware, under PCT Rule 13.1, a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression special technical features is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art. In the present application, all of the compounds are heteroarylphenylurea derivatives in which the Q substituent is formula (B). The Examiner has shown no reason why the claims do not conform to the Rule 13.1 unity of invention requirement.

If the election requirement is maintained, it will be clear on the record that the PTO considers the groups to be patentably distinct from one another *i.e.*, *prima facie* non-obvious from one another. This means that a reference


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identical to the one group would not render the other group
prima facie obvious.

Favorable consideration and examination of all pending
claims on the merits are respectfully requested.

Respectfully submitted,

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